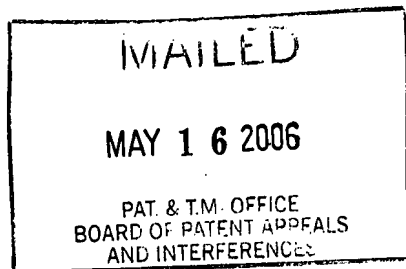




## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: Judge Richard Torczon  
Telephone: 571-272-9797  
Facsimile: 571-273-0042



Patentees: GAO  
Application No.: 09/706,968, now Patent No.  
6,528,050, granted 03/04/03  
Filed: 11/06/00  
For: Growth factor homolog ZVEGF3

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,433.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

/Richard Torczon/  
RICHARD TORCZON  
Administrative Patent Judge

UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES

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Patent Interference No. 105,433 (RT)  
(From Technology Center 1600)

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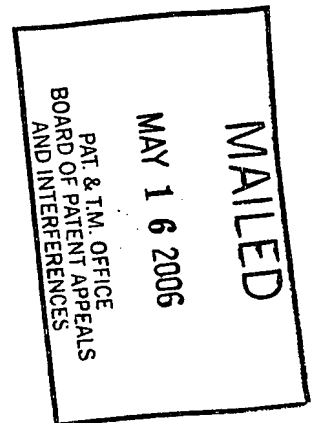
ZYMOGENETICS, INC.  
(6,528,050),  
Junior Party,

v.

LUDWIG INSTITUTE FOR CANCER RESEARCH  
AND LICENTIA LTD.<sup>1</sup>  
(09/852,209),  
Senior Party.

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DECLARATION - Bd.R. 203(d)<sup>2</sup>



By TORCZON, Administrative Patent Judge.

1       A.   Declaration of interference

2       An interference is declared pursuant to 35 U.S.C. 135(a). Details of the application,  
3 patent, count, and claims designated as corresponding to the count appear under headings E  
4 and F of this DECLARATION.

5       B.   Designation to manage

6       Administrative Patent Judge Richard Torczon has been designated to manage the  
7 interference. Bd. R. 104(a).

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<sup>1</sup> Collectively, "LICR".

<sup>2</sup> "Bd.R. x" may be used as shorthand for "37 C.F.R. § 41.x". 69 Fed. Reg. 49960, 49961 (12 Aug. 2004).

1 C. Standing order

2 A copy of the Trial Section STANDING ORDER [SO] (Paper 2) accompanies this  
3 DECLARATION. The STANDING ORDER applies to this contested case.

4 D. Conference call to set dates

5 A telephone conference call to set dates for action in this contested case is scheduled for  
6 **2 p.m. (Eastern) on 5 July 2006.** (The Board will initiate the call.)

7 No later than **two (2) business days** prior to the conference call, each party shall file and  
8 serve (SO ¶¶ 10.1 & 105) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶¶ 104.2.1, 120  
9 & 204) the party intends to file.

10 A sample schedule for taking action during the motion phase appears as Form 2 in the  
11 STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference  
12 call and to agree on dates for taking action. A typical motion period lasts approximately eight (8)  
13 months. Counsel should be prepared to justify any request for a shorter or longer period.

14 E. The parties to this interference15 Junior Party

16 **Patent:** 6,528,050, issued 4 March 2003 (09/706,968, filed 6 November 2000)

17 **Title:** Grow factor homolog ZVEGF3

18 **Inventors:** Zeren Gao of Redmond, Washington;

19 Charles E. Hart of Woodinville, Washington;

20 Christopher S. Piddington of Thousand Oaks, California;

21 Paul O. Sheppard of Granite Falls, Washington;

22 Kimberly E. Shoemaker of Bellevue, Washington;

Debra G. Gilbertson of Seattle, Washington; and  
James W. West of Seattle, Washington.

Senior Party

**Application:** 09/852,209, filed 10 May 2001

**Title:** Platelet-derived growth factor C, DNA coding therefor, and uses thereof

**Inventors:** Ulf Eriksson of Stockholm, Sweden;  
Karin Aase of Stockholm, Sweden;  
Xuri Li of Stockholm, Sweden;  
Annica Ponten of Stockholm, Sweden;  
Marko Uutela of Helsinki, Finland;  
Kari Alitalo of Helsinki, Finland;  
Arne Oestman of Uppsala, Sweden;  
Carl-Henrik Heldin of Uppsala, Sweden; and  
Christer Betsholtz of Göteborg, Sweden.

F. Count and claims of the parties

Count 1

The method of 6,528,050 claim 1 or 09/852,209 claim 36.

The claims of the parties are:

ZymoGenetics: 1-15

LICR: 36, 46-49, 59, and 60

1 The claims corresponding to Count 1:

2 ZymoGenetics: 1-15

3 LICR: 36, 46-49, 59, and 60

4 The benefit accorded for Count 1:

5 ZymoGenetics: 09/541,752, filed 31 March 2000 (6,887,982);

6 09/457,066, filed 7 December 1999 (6,432,673); and

7 60/111,173, filed 7 December 1998.

8 LICR: 09/410,349, filed 30 September 1999; and

9 60/102,461, filed 30 September 1998.

10 G. Heading to be used on papers; exhibit numbers

11 Addendum 1 provides the heading that shall be used on all papers filed in the contested  
12 case. See SO ¶ 106.1.1.

13 The range of exhibit numbers is assigned as follows (Bd.R. 154(c)(1); SO ¶ 154.2.1):

14 LICR: 1001-1999.

15 ZymoGenetics: 2001-2999.

16 H. Order form for requesting file copies

17 When requesting copies of files, use of Addendum 2 (SO Form 4) will greatly expedite  
18 processing of the request. Please attach a copy of Parts E and F of this DECLARATION with a  
19 hand-drawn circle around the patents and applications for which a copy of a file wrapper is  
20 requested.

Interference No. 105,433

Page 5

Attachment: Copy of the claims for 09/852,209.<sup>3</sup>

Enclosure: Copy of STANDING ORDER (Paper 2)

cc:

Gary E. Parker, Zymogenetics, Inc., of Seattle, Washington.

Joseph D. Evans, Crowell & Moring LLP, of Washington, D.C., for Ludwig Institute for Cancer Research and Licentia Ltd.

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<sup>3</sup> Any United States patent listed in this paper is available at <http://patft.uspto.gov/netahtml/srchnum.htm>.

**ADDENDUM 1**

Filed on behalf of: [Name of Party]  
By: [Name of lead counsel  
Name of backup counsel  
Street address  
City, State, and ZIP Code  
Tel:  
Fax: ]

Paper No. [Leave blank]

**UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES**

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Patent Interference No. 105,433 (RT)

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**ZYMOGENETICS, INC.**  
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(09/852,209),  
Senior Party.

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**TITLE OF PAPER**

**ADDENDUM 2**

**Patent Interference No. 105,433  
FILE COPY REQUEST**

Attach a copy of sections E and F of this DECLARATION to this REQUEST. On the copy, circle each patent and application that you are requesting. Include the following information to facilitate processing of this REQUEST:

1. Charge fees to USPTO Deposit Account No. \_\_\_\_\_
2. Complete address,<sup>4</sup> including street, city, state, ZIP code, and telephone number:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
3. Telephone, including area code: \_\_\_\_\_

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<sup>4</sup> Provide a street address, NOT a Post Office Box. The Office of Public Records uses a commercial overnight delivery service rather than the United States Postal Service to deliver file copies.